

En Banc

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Newsletter of the Superior Court Law Library

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Law Library News

☐ Photocopying Services

In November, the Law Library will be getting new photocopiers, along with new copy cards. As a result, the current copy cards will no longer be accepted after that date. We will keep you informed of the actual date of these changes. Meanwhile, please use discretion in adding money to your card as refunds will not be given.

☐ Law Library Intranet

The Court Wide Web, the Superior Court's Intranet, brings Library resources to Court and County users in a user-friendly, easily accessible format. The Intranet is an internal website, available only within the Court and County complexes, and provides access to a number of court departments. From the Court Wide Web at <http://courts.maricopa.gov>, click on "Law Library" to connect to the Library home page. Users will find links to online databases, legal news, Library information, and access to the Law Library catalog, including a quick search box.

All online databases and legal news sources are listed on the *Database Description* page, which explains the nature of each database and gives access instructions. Visitors to the Law Library or the Library website will be familiar with *Criminal Justice Abstracts*, *LegalTrac*, *Hein On-Line*, *OCLC FirstSearch*, *LoisLaw*, and others. New titles include the *ABA/BNA Lawyer's Manual on Professional Conduct Current Reports* and the databases of the National Criminal Justice Reference

Service, *NCJRS Abstracts* and *NCJRS Virtual Library*. Separate listings are provided for frequently used resources, *Shepard's Citations* and *Westlaw*, both of which have guides for use. Under the Westlaw heading, users will also find a Westlaw Database Directory, Search Tips, and information on KeyCite.

A Legal News category has been added to help users stay informed on developments, research, and opportunities. Of particular significance is the link to recent court rule changes. Weekly updates from BNA include *Criminal Law Reporter*, *Electronic Commerce and Law Report*, *Family Law Reporter*, and *U.S. Law Week*. Additional news links point to *Internet Law & Regulation Alert*, *JustNet* from the Justice Technology Information Network, and the bi-monthly NCJRS *JustInfo* newsletter. The *Current Index to Legal Periodicals*, a service of the Marian Gould Gallagher Law Library of the University of Washington, provides tables of contents of new journals and lists citations by topic. On the Library's Court Wide Web page, an index provides easy access to topics and titles. Arizona resources include the *Just Grants! Arizona* monthly newsletter and, by request, a link to *Wendell, the Arizona Judicial Reference Site*.

Library information on the Intranet site includes current issues of *En Banc* and *Court Informer*, two of the Law Library's publications; a listing of new books; the Library directory, and a guide to services. The policies section covers Law Library use, Internet use, and the circulation policy. In addition, there is an e-mail form for research, information, or

En Banc

Newsletter of the
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book requests.

The Law Library on the Court Wide Web is a dynamic resource. Information is updated regularly, and new links are added frequently. It is expected that this Intranet page will become an increasingly important way to provide information and Library services to Court and County users.

Continuing Legal Education

The Maricopa County Bar Association will sponsor *Paralegal Conference - Access to Justice*. This seminar program will take place September 27th from 8:15 am to 4:30 pm, at The Pointe Hilton at Squaw Peak. The featured speakers and topics include: Robert J. LeClaire, Esq. on *Access to Justice and Regulations Update*; Roland McAllen-Walker, J.D., on *Tribal Court Advocacy*; and Honorable Rosalyn O. Silver, U.S. District Court of Arizona, on *Ethical Issues and the Paralegal's Role*.

There will be panel discussion on bankruptcy, divorce, immigration, trusts and estates, and senior law. Panel members include personnel from Arizona Center for Disabled Law, Friendly House, Volunteer Lawyers Program and Community Legal Services, as well as International Rescue Mission. The conference fees will include a continental breakfast, lunch and breaks. Door prizes will be given throughout the day along with displays by vendors serving the legal profession. A portion of the proceeds will benefit a paralegal student scholarship fund. Six hours of CLE Credit (1hour ethics) for paralegals will be awarded.

The State Bar of Arizona will present, *The Ten Deadly Sins of Conflict* on September 27 from 8:50 am to noon at the Radisson Resort in Scottsdale. This will be an interactive seminar. The panel of experts will help the participants establish "conflict guideposts." The topics discussed

will include family law, criminal defense, corporate entities, civil litigation, government lawyers and personal interest conflicts. Attendance at this seminar will earn you 3.0 hours of ethics credit.

On October 14th, the State Bar will present *The Greatest Trials in History* at the Radisson Resort in Scottsdale. This all day seminar will be conducted by Todd Winegar, a nationally acclaimed speaker. Mr. Winegar will discuss the Socrates trial, Galileo's trial, the trial of Caesar and Cicero, the Salem Witch trials as well as *Bush v. Gore*.

There will be a question and answer at the end and each participant will receive a copy of *The Ultimate Discovery Notebook* which contains more than 30 sections of checklists, forms and outlines. Participants will also receive 6.0 CLE credits and 1.0 ethics credits.

Superior Court Update

Supreme Court Administrative Order No. 2002-67 establishes a Judicial Oversight Council of the Limited Jurisdiction Courts of Maricopa County. Presiding Judge Colin Campbell has been appointed to chair the Council and given the authority to "enter orders to make personnel, management or organizational changes to Justice Court Administration."

This is all a result of "shoddy record keeping and 46 courts each operating in their own separate way" according to Chief Justice Charles E. Jones. Several audits "revealed serious operational, administrative and misconduct problems."

Judge Jones wants to create a centralized traffic ticket bureau and hopes the changes bring one "system" by which all the courts will operate. The Council, which in addition to Judge Campbell, is comprised of judges, attorneys, court administrators as well as public members, must make an initial report

to the Supreme Court no later than October first of this year.

Did You Know?

Find out how much you actually know about our judges and court history. Answers appear at the end of this issue.

1. Which judge's father was the Chief of Police of the City of Phoenix?
2. Which judge, at one time, owned five dairy cows?
3. Which judge worked as a civilian employee of the U.S. Navy assisting in the engineering of equipment for use in submarines?
4. Which judge was born and raised on a citrus farm in Mesa?
5. Which of our judges is a prolific writer?

Electronic Resources

Internet Site Reviews

The Top Ten Court Websites for 2002 have just been announced at <http://justiceserved.com/top10sites.cfm>

And the winners are.....

This year the top prize went to the New York State Unified Court System - *E. Courts* - at www.e.courts.state.ny.us/. This New York site is noted for its statewide index of cases, email addresses for attorneys, email notification of next appearances, and the ability to accept credit card payments for fees.

The second place winner is the *Court Service* of England and Wales at www.courtservice.gov.uk. Parties using this site can file Civil Claims online and exchange case information through the Internet.

Other winning sites:

Washtenaw County (MI) Trial Court, www.co.washtenaw.mi.us/depts/courts/index.htm, offers online traffic payment, searchable opinions, lists of signed orders, and excellent domestic relations resources.

The *Ministry of Law*, Singapore <http://www.minlaw.gov.sg>, has a "Justice Scorecard" to measure quality service.

Delaware County (OH) Municipal Court, www.municipalcourt.org, in addition to online traffic ticket payment, provides a live webcast of proceedings.

Hamilton County (OH) Clerk of Courts, <http://www.courtclerk.org>, provides online ticket payment, name search and e-filing.

The *Alaska Court System*, www.state.ak.us/courts, has a family law page, self help center, statewide name index and calendars that are updated hourly.

The *Washington State Courts*, <http://www.courts.wa.gov>, let you "find your court and date" and take a courthouse tour.

The *U.S. Bankruptcy Court for the Southern District of New York*, www.nysb.uscourts.gov, provides e-filing and is easy to use.

The *Federal Court of Australia*, <http://www.fedcourt.gov.au>, also has e-filing, online calendars, and a user-friendly privacy statement.

Justice Served, a court management consulting firm, selected the sites after viewing and rating over 400 contenders. Criteria for the top prizes included:

- ▶ Can users perform court tasks online? The ability to e-file earns extra points.
- ▶ Are forms available? Can they be completed online?
- ▶ Are the instructions easy to understand and use?
- ▶ Can users pay fines and fees online by credit card?

- ▶ Is there a searchable database of court cases?
- ▶ Are there links to other useful sites and resources?
- ▶ How is the design, color and layout?
- ▶ How many "clicks" does it take to get to useful information?
- ▶ Is the site listed with multiple search engines?
- ▶ Is the site geared to the public or to attorneys?
- ▶ Are updates noted and how recently?
- ▶ Can users offer comments and feedback through the site? ... And who reads those comments?

The Maricopa County Clerk of the Court web site won a place on this list in 1999, and the Superior Court won the top award in 2000.

❏ Publications of Interest on the Internet

Fisher, Margaret. *Youth Courts: A Jury of Their Peers*. American Bar Association, 2002.
<http://www.abanet.org/justice/youthcourtsroadmap.pdf>

Published by the American Bar Association, *Youth Courts: Young People Delivering Justice* discusses the nature, structure and benefits of youth courts. Examples of successful courts and innovations are given, as well as listings of statewide organizations and useful resources.

Youth courts are "programs", rather than formal "courts". They are set up to hear cases that would otherwise be handled by juvenile courts, traffic courts or school disciplinary procedures. Currently, there are almost 1,000 courts nationwide, and they each have diverse organizations, caseloads, and characteristics. In all courts, however, parents and participants must give informed consent to participate. Frequently, young people must also admit that they committed a wrongdoing, or plead no contest, before they are eligible. All youth courts operate under the supervision

of volunteer attorneys and advisory staff.

It takes about one year to get a youth court up and running. Interested parties meet and create a plan. After that, legal authorization, support and space must be obtained, missions set and outcomes defined. Frequently, organizations such as schools, courts, probation, or police departments provide assistance. Since volunteers often staff the courts, costs run about \$33,000 a year.

Youth courts are set up in a variety of ways:

- ▶ Youth judge – Youth staff all the court positions.
- ▶ Adult judge – An adult, generally an attorney or judicial officer, presides over the hearings.
- ▶ Youth tribunal – A panel of young people preside as judges. Youth attorneys present the opening statements, evidence and closing arguments, and the judges, not a jury, decide upon the disposition.
- ▶ Peer jury – A lead juror presides over the hearings, and a panel of jurors ask questions.

The goal of youth courts is to render judgments that will increase the offenders' awareness of the harm their behavior has caused, and at the same time, offer them an opportunity to repair the damage. Disposition options include community service, education classes, restitution, curfews, drug testing, counseling and other creative sentences. Offenders learn there are consequences for their misbehavior, but at the same time may avoid criminal records, points on their driving license, or school records of misconduct.

The five top challenges faced by youth courts include:

- ▶ Funding
- ▶ Retaining volunteers
- ▶ Shortage of referrals
- ▶ Delays between the offense and the referral
- ▶ Difficulty coordinating with other

agencies

Studies have found that youth courts result in lowered recidivism rates, improved attitudes towards authority, and increased knowledge of the justice system.

In the Courts

□ Recent Arizona Cases

***State v. Schaffer*, 376 Ariz. Adv. Rep. 6 (June 27, 2002).**

Schaffer was a patient in the Arizona State Hospital. When security officers were called to move him to another room after he refused to do so willingly, the defendant allegedly struck one of them in the head with his prosthetic arm. He was subsequently charged with assault with a dangerous instrument or deadly weapon. The defendant's attorney argued that the prosthetic arm was a "body part" since it remained attached to Schaffer the entire time during the confrontation. Previous cases have ruled body parts are not dangerous weapons.

The prosecutor disputed that by saying the prosthetic arm was not a body part because it "is not an amalgamation of flesh, blood, bone and muscle." The trial judge dismissed the charges by saying the prosthetic arm did not qualify as either a dangerous instrument or a deadly weapon. The State dropped the deadly weapon charge but appealed the dangerous instrument charge.

The Court of Appeals reversed and remanded the trial court's decision. Judge Noyes wrote: "[I]n short, a prosthesis is not a 'body part,' but is a device designed to be used as a substitute for a missing body part." Since not all prostheses are made the same - "some prostheses may be made of metal or may have jagged parts or hooks protruding from them..." the decision whether the prosthesis is a dangerous instrument is left to the jury. He went to say a

dangerous instrument is defined as "anything that under the circumstances in which it is used... is readily capable of causing death or serious physical injury."

□ From Other Jurisdictions

***Ring v. Arizona*, No. 01-488 (U.S., June 24, 2002).**

In the long awaited decision of *Ring v. Arizona*, the United States Supreme Court ruled that the jury, rather than the judge, must impose the death penalty. The Court held that a "death sentence where the necessary aggravating factors are determined by a judge violates a defendant's constitutional right to a trial by jury." Following his conviction for felony murder, Ring was sentenced to death after the judge found two aggravating factors. Ring successfully argued that "Arizona's capital sentencing scheme violates the Sixth and Fourteenth Amendments to the U.S. Constitution because it entrusts to the judge a finding of fact raising the defendant's maximum penalty."

Of the 38 states that have a death penalty statute, nine use some form of judicial sentencing.

***Atkins v. Virginia*, No. 00-8452 (U.S., June 20, 2002).**

In addition to ruling that only juries can impose the death penalty, the Supreme Court has also ruled in *Atkins* that "executions of mentally retarded criminals is 'cruel and unusual punishments' prohibited by the Eighth Amendment."

The defendant and another man, William Jones, abducted Eric Nesbitt, robbed him of the money he had then drove him to an automatic teller where he was forced to withdraw more cash. After that he was driven to an isolated location and shot eight times. Both Jones and Atkins confirmed the details of what had happened but each blamed the other

for the actual killing. Jones was able to offer a more coherent and credible testimony which established Atkins' guilt with the jury. A forensic psychologist testified that Atkins was "mildly mentally retarded" with an IQ of 59.

The Court pointed out that mental deficiencies "do not warrant an exemption from criminal sanctions, but diminish their personal capability."

***Christian v. Mattel, Inc.*, No. 00-56194 (9th Cir., April 15, 2002).**

In this Rule 11 hearing brought on by what the court called a frivolous lawsuit, "boorish" behavior, misrepresentation of facts, and misstatements of law by plaintiff's attorney, James Hicks, the 9th Circuit Court of Appeals ruled that sanctions imposed by the District Court for the Southern District of California were justified. In upholding sanctions and an award of \$501,565 in attorneys' fees to the defendants, the court considered counsel's "lengthy rap sheet of prior litigation misconduct."

Christian filed suit against Mattel for copyright infringement involving "Claudene," a blonde-haired, blue-eyed doll dressed to resemble a U.S.C. cheerleader. Claudine was created in 1991 and registered with the United States Copyright Office in November of 1997. Mattel countered by filing a Motion for Summary Judgement based on the fact that the Barbie dolls in question - *Virginia Tech University Barbie* (which had the head sculpture of *SuperStar Barbie*, who first appeared in 1976) and *Cool Barbie* (copyrighted in 1991 and derived from *Neptune's Daughter Barbie*) - were clearly created prior to plaintiff's.

In a follow-up counsel meeting as required by local rule, Mattel attempted to show Hicks the evidence and asked him to voluntarily withdraw the complaint. Hicks refused to withdraw, choose not to inspect the dolls, and later

"hurled them in disgust from a conference table." Mattel subsequently filed a motion for sanctions pursuant to Rule 11, *Federal Rules of Civil Procedure*.

Following Mattel's motion, Hicks began filing additional papers which he titled "supplemental opposition," and which "were characterized by frequency and volume." Not only did he exceed the permissible page limit set by the local rule, he also "failed to adhere to... font requirements." In his pleadings Hicks even alleged additional copyright infringements against *CEO Barbie* and made references to *Colonial Barbie* as well as *Pioneer Barbie*. Despite the allegations of additional infringements, and to the court's surprise, Hicks failed to amend the complaint to include them.

On appeal, Hicks unsuccessfully argued that the amount awarded was extreme, even going so far as to say "(somewhat ironically) that Mattel's fees request was excessive in light of how simplistic it should have been to defend..." Hicks was, however, successful in arguing that Rule 11 sanctions cannot include "discovery abuses or misstatements made to court during an oral presentation." The court agreed that the rule clearly applies to "pleading[s], written motion[s] and other paper[s] that have been signed and filed in a given case, Fed. R. Civ. P. 11(a)'. "

While the appellate court was convinced the case was indeed frivolous and that the award was reasonable, it nonetheless remanded to afford the District Court "an opportunity to delineate the factual and legal basis for its sanctions orders."

In re Nicholas H. (California Supreme Court, June 6, 2002).

In a unanimous but unpublished decision that is being called the first of its kind by a State Supreme Court, custody has been awarded to a non-biological father over the objections

of the mother. The case began as a juvenile dependency action after the biological parents of a six-year old boy failed to supervise and protect him. Thomas, a man with whom the biological mother had a relationship, was granted custody by the Alameda County Superior Court. Alameda County Social Services Agency appealed the ruling which was later upheld by the California Supreme Court.

When Thomas met the biological mother, Kimberly, she was pregnant. They agreed that they "wanted Thomas to act as a father to Nicholas." Thomas was present at Nicholas' birth, was listed as Nicholas' father on his birth certificate, and for several years provided a home for both Kimberly and Nicholas. Nicholas' biological father had never been around and could not be found to establish paternity.

The relationship between Kimberly and Thomas was tumultuous to say the least. They continually argued about how best to raise Nicholas; Thomas was arrested for battering Kimberly; Kimberly was arrested for battering Thomas. Kimberly was also found to be suffering from drug abuse and mental instability. She had difficulty maintaining employment and was often homeless. After her arrest for biting Thomas in front of Nicholas, Thomas took the boy home with him and the custody case began.

The court discussed, at length, the legislative intent of the California statute which says "a man who receives a child into his home and openly holds the child out as his natural child is presumed to be the natural father of the child" (Fam. Code §§7611(d)). The court described Thomas as a "constant" in the little boy's life and wrote that "there is undisputed evidence that Nicholas has a strong emotional bond with Thomas and that Thomas is the only father Nicholas has ever known." The court was clearly convinced of Nicholas' expression of love for Thomas and his preference

to live with him.

The court also had to consider California Family Code §§7612 (a) which says that the presumption of fatherhood can be rebutted but only by "clear and convincing evidence." Thomas readily admitted that he was not the biological father of Nicholas. But since no other man had stepped forward to claim paternal rights to Nicholas, it "was not *an appropriate action* in which to find that the ... presumption of fatherhood had been rebutted."

Despite the clear and convincing evidence that Thomas was not the biological father of Nicholas, the court concluded that "[A] man does not lose his status as a presumed father by admitting he is not the biological father." To rule against Thomas in this case would render Nicholas "fatherless" and place him in the state's care. The social relationship, the court found, was of more importance "to the child at least, than a biological relationship of actual paternity...."

New in the Library

□ Article Reviews

Sabin, Cameron L. "The Adjudicatory Boat Without a Keel: Private Arbitration and the Need for Public Oversight of Arbitrators." 87 *Iowa Law Review* 1337 (May 2002).

The caseload for arbitration, the most preferred form of alternative dispute resolution, has jumped from 92,100 cases in 1998 to 136,673 in 1999, an increase of 48%. This increased use has revealed several serious and controversial problems. There is no way to monitor competence or quality of arbitration and this has produced bad private justice. Opponents say that arbitration conveniently limits access to traditional legal remedies and large jury awards. Fans argue that it is more efficient and cost-effective than other dispute resolution alternatives. Opponents

charge that arbitrators are often biased, partial, or influenced by outside conflicts of interest.

Sabin discusses the current lack of arbitrator accountability, the reasons for this lack of accountability, and critiques prior proposals to repair the system. He further suggests that the states should take a more aggressive, practice approach to overseeing arbitrator conduct.

Arbitration awards are not subject to general appellate review, but may come under Federal Arbitration Act grounds for statutory review. The FAA provides three "very narrow" circumstances in Section 11 which allows the courts to modify or correct an award: 1) the miscalculation of figures and mistake in description of any person, thing, or property; 2) the arbitrators have given an award on a matter not submitted to them; and 3) the award is "imperfect in matter of form not affecting the merits of the controversy." The Act does not allow the reviewing court to substitute, modify or correct a judgment (except when an arbitrator goes beyond the scope of her powers), therefore the only option is to vacate the award. Since arbitrators normally do not provide reasons for their awards, there can be no meaningful appellate review.

Because of these limitations, the 10th Circuit has described the judicial review of arbitration awards as "among the narrowest known to law." Judge Paul Hays, in his *Labor Arbitration: A Dissenting View*, warns that Congress should broaden the scope of judicial review, because "a large proportion of the awards of arbitrators are rendered by incompetents...."

Accountability is the most important issue to critics of arbitration. Traditionally, the courts have likened arbitrators to judges and extended to them traditional judicial immunity. The federal government does not oversee arbitrators or their associations so there can be no help from that sector. One solution is the

enforcement by arbitration associations of a code of ethics. Yet, these codes are voluntary and lack any meaningful enforcement mechanisms. Nor is it in the associations' economic interest to enforce a code of ethics, because enforcement generates unwanted publicity and lawsuits.

From the public's point of view, arbitration is intended to reduce the burden on the courts by providing a flexible dispute resolution mechanism that allows parties to make the most of private sector efficiencies. Sabin concludes that expanded review may encourage more parties to arbitrate disputes, but it is also likely to encourage unhappy parties to appeal awards, which becomes a vicious cycle. The individual liability of the arbitrator would tend to deter carelessness or malicious behavior, but would also require extensive federal and state legislative reform, and cause arbitrators to refuse arbitration that has a potential for liability for fear of lawsuits and the need for malpractice insurance.

Arbitrator accountability should operate under the following precepts: arbitrators should be accountable to a supervising body; this body must have the power to discipline them for misconduct and violations of their code of conduct; the supervising body must be neutral; the body must enforce its standards; the system must be broad enough to accommodate the broad range of professions that arbitrators are taken from; the system must not undercut the economic benefit that is behind arbitration; and the system must function in concert with the Federal Arbitration Act. The Act would need to be amended to include licensing and code of ethics requirements.

Sabin concludes that "private arbitration without arbitrator accountability is as a great sailing ship without a keel: always moving, but never able to maintain a direction."

Scharman, Christopher A. "Not Without My Father: The Legal Status of the Posthumously Conceived Child." 55 *Vanderbilt Law Review* 1001 (April 2002).

William and Mariantonia Kolacy were a young married couple when he was diagnosed with leukemia. Before he started chemotherapy, they preserved some of his sperm for later use. William did not survive the treatments and died on April 15, 1995. Mariantonia underwent in vitro fertilization on April 3, 1996, and gave birth to twin girls on November 3, 1996. These twins were William's "undisputed genetic offspring" yet the Social Security Administration denied Mariantonia's petition for dependent benefits, because the babies did not qualify as dependents. The mother sought to have them declared the heirs of their father. A New Jersey court, finding no prior cases on the subject to guide it, ruled that the girls were entitled to be recognized as their father's heirs.

The Kolacy case brings to light an important legal problem that has been created solely by advances in reproductive technology. Posthumous conception creates doubt about the legal status of a unique group of children. To date, the Kolacy case is one of only three cases in the United States that have addressed this difficult problem.

The constitutional rights of these children are grounded in three important doctrines: 1) the constitutional status of the family which protects child rearing decisions; 2) the constitutional right to privacy which protect childbearing decisions; and 3) the constitutional rights of illegitimate children which protect the interests of nonmarital children.

This article is divided into four parts, which examine common law and the statutory presumptions of paternity; describe the main policy concerns that arise with posthumous conception; set the basis for the rights of the posthumous child; and

recommend a framework for policymakers.

The Uniform Parentage Act extends the common law presumption of paternity from 280 to 300 days which means that any child that is born within 300 days of a father's death is presumed to be the legitimate child of that deceased father. The Act does not include posthumous children as their conception occurs well beyond this time frame. Therefore, they are not deemed legitimate heirs. The most direct legislative treatment of this legal problem is the Uniform Status of the Children of Assisted Conception Act (USCACA) which defines assisted conception and has sections directly applying to persons attempting posthumous conception, yet still bars these children from establishing legal status as children of deceased parents. To date, only two states, North Dakota and Virginia, have adopted the USCACA, and two states, Florida and Louisiana, have enacted legislation concerning this subject.

Five cases concerning reproductive issues are discussed: two cases address the individual's right to have some control over his or her reproductive choices even after death and three cases involve actual posthumously conceived children seeking a legal relationship with their deceased parents. The author identifies three important areas of concern: best interest of the child, state's interest in the orderly administration of estates, and reproductive rights of the deceased parent. He states that there is "something awkward in refusing to recognize posthumous children as the legal offspring" when there is positive proof that the deceased father is their genetic parent. No recognition denies the child the tangible benefits of having a legally and socially recognized parent. Also, there is the fundamental right of all parents to control the upbringing of their children. This fundamental constitutional right has recently been reaffirmed by the decision in *Troxel v*

Granville which states that parents have the right to make all decisions that concern the rearing of their own children.

Scharman offers the following solutions: 1) the state should establish a formal method for fathers to express their intent to conceive and claim a relationship with the posthumous child; 2) if the father does not express his wishes, then the child should have access to an alternative method for establishing a legal relationship. Additionally, he says that the states should "yield to the child" and grant those rights that will allow the father's family to obtain custody in the event that something happens to the mother. The author concludes that the total denial of the rights of the posthumous child is an "inadequate response" to the new technologies of human reproduction.

■ Recently Received Books

Alter, Karen J.
Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe
Oxford University Press
KJE5461 .A98 2001

Behuniak, Susan M.
A Caring Jurisprudence: Listening to Patients at the Supreme Court
Rowman & Littlefield Publishers
KF3823 .B44 1999

Berg, Jessica W.
Informed Consent: Legal Theory and Clinical Practice, 2nd ed.
Oxford University Press
KF3827.I5 A96 2001

Cause Lawyering and the State in a Global Era
Oxford University Press
K118.P82 C38 2001

Chase, Michael
You've Got Dissent!
Rand
JQ1509.5.A8 C48 2002

Collecting and Using Racial & Ethnic Data in the Courts: A Blueprint for the New Mexico Judiciary
State Justice Institute
Ct. Admin. KF185.R33 C65 2001

Collins, Matthew
The Law of Defamation and the Internet
Oxford University Press
KF1266 .C65 2001

Conflict of Interest in the Professions
Oxford University Press
BJ1725 .C66 2001

Cook, Philip J.
Gun Violence: The Real Costs
Oxford University Press
HV7436 .C66 2000

Cookson, Catharine
Regulating Religion: The Courts and the Free Exercise Clause
Oxford University Press
KF4783 .C665 2001

Daily, Frederick W.
Tax Savvy for Small Business
Nolo Press
Self-Help KF6491 .D35 2002

Elias, Stephen
Legal Research: How to Find and Understand the Law, 10th ed.
Nolo Press
Self-Help KF240 .E35 2002

Esterling, Kevin M.
Judicial Retention Evaluation Programs in Four States
American Judicature Society
Ct. Admin. KF8778 .E85 1998

Ethical Issues in Judicial Settlement
American Judicature Society
Ct. Admin. KF8779.Z9 E845 1996

Ethics in Practice: Lawyers' Roles, Responsibilities, and Regulation
Oxford University Press
KF306 .E84 2000

Expanding the Boundaries of Intellectual Property: Innovation Policy for the Knowledge Society
Oxford University Press
K1401.A6 E96 2001

Ficsor, Mihaly
The Law of Copyright and the Internet
Oxford University Press
K1420.5 .F53 2002

Finkelstein, Michael O.
Statistics for Lawyers, 2nd ed.
Springer
QA276.12 F56 2001

Fischl, Richard Michael
Getting to Maybe: How to Excel on Law School Exams
Carolina Academic Press
KF287 .F57 1999

Fletcher, George P.
Our Secret Constitution: How Lincoln Redefined American Democracy
 Oxford University Press
 E457.2 .F57 2001

Franck, Thomas M.
The Empowered Self: Law and Society in the Age of Individualism
 Oxford University Press
 JC571 .F64 1999

Gray, Cynthia
Commenting on Pending Cases
 American Judicature Society
 Ct. Admin. KF8775 .G73 2001

Gray, Cynthia
Disqualification Issues When a Judge is Related to a Lawyer
 American Judicature Society
 Ct. Admin. KF8775 .G73 2001

Hopperton, Robert J.
Standards of Judicial Review in the Supreme Court Land Use Opinions: A Monograph
 Austin & Winfield
 KF4575 .H66 1998

Johnson, David T.
The Japanese Way of Justice: Prosecuting Crime in Japan
 Oxford University Press
 KNX4630.S73 J64 2002

Langer, Laura
Judicial Review in State Supreme Courts
 State University of New York Press
 KF4575 .L33 2002

Lankford, Jefferson
Arizona DUI: A Manual for Police, Lawyers, and Judges
 Lexis Law Publishing
 KFA2697.8 .L25 2001

Mather, Lynn
Divorce Lawyers at Work: Varieties of Professionalism in Practice
 Oxford University Press
 KF535 .M38 2001

Matthews, Joseph L.
How to Win Your Personal Injury Claim, 4th ed.
 Nolo Press
 Self-Help KF1257.Z9 M37 2002

Mediation and Arbitration as Alternatives to Prosecution in Felony Arrest Cases
 Vera Institute
 Ct. Admin. KFX1179 .M43 1981

Morreim, E. Haavi
Holding Health Care Accountable: Law and the New Medical Marketplace

Oxford University Press
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